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NAME: Examiner: Not Yet Assigned
COMPANY/FIRM: United States Patent and Trademark Office
TELECOPIER NO.: 1-571-273-8300
APPLICATION NO.: 09/402,446
CLIENT/MATTER NO.: BERE-1002US
SENDER'S NAME: Kevin J. Dunleavy
NO. OF PAGES: 4
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U.S. Patent App. No. 09/402,446

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Appl. No : 09/402,446
Applicants : Hugh W. Price and B. Michael R. Woloski
Filed : January 18, 2000
Title : Intravenous Immune Globulin Formulations Containing A
Non-Ionic Surface Active Agent with Improved
Pharmacokinetic Properties
TC./A.U. : 1645
Examiner : Ja-Na Hines
Docket No. : 7841-89
Customer No. : 001059

Mail Stop Issue Fee
Honorable Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

MISCELLANEOUS COMMUNICATION

Sir:

This Communication is filed for the purpose of informing the U.S. Patent and Trademark Office ("USPTO") that it appears from the record of the above-identified application that the USPTO should have charged the applicant for a three-month extension of time for the July 21, 2005, filing of a response to the Final Rejection dated January 24, 2005.

The January 24, 2005, Final Rejection set a shortened statutory period for response of three months. In response to the January 24, 2005, Final Rejection, the applicant filed a first response on April 22, 2005, without requesting an extension of time, since no extension of time was required for filing this response since it was filed within the three-month shortened statutory period set in the Final Rejection.

CERTIFICATE OF FACSIMILE UNDER 37 C.F.R. §1.8

I certify that this document, along with any document referred to as being attached, is being sent via facsimile on August 15, 2005, under 37 C.F.R. §1.8 to the United States Patent and Trademark Office at facsimile no. 1-571-273-8300.

NATALIE SOPPENTUD
Name of person signing document

Natalie Soppentud
Signature of person signing document

U.S. Patent App. No. 09/402,446

In an Advisory Action mailed on May 31, 2005, the Examiner indicated that the period for reply to the January 24, 2005, Final Rejection expired four months from the date of mailing of the Final Rejection.

As a result of the Examiner's statement in the May 31, 2005, Advisory Action, the Applicant submitted a second response to the Final Rejection on July 21, 2005, with a request for a 2-month extension of time, since the Advisory Action indicated that the period for reply expired four months from the mailing date of the Final Rejection. If the Advisory Action was correct, then the non-extended due date for response to the January 24, 2005, Final Rejection would have been May 24, 2005, and only a two-month extension of time would have been required to file a further response to the Final Rejection on July 21, 2005.

It appears that the USPTO charged the applicant for a 2-month extension of time for filing the July 21, 2005, response. However, after a telephone conversation with Examiner Ja-Na Hines, and a further review of the record, it appears that the Examiner's indication in the May 31, 2005, Advisory Action, that the period for reply expired four months from the date of mailing of the January 24, 2005, Final Rejection may have been in error. Specifically, it appears that the May 31, 2005, Advisory Action should have indicated that the time period for response to the Final Rejection expired 3-months from the date of the Final Rejection, rather than four months from the date of the Final Rejection, since as of May 31, 2005, the applicant had not obtained any extensions of time for responding to the January 24, 2005, Final Rejection.

Accordingly, this communication is to inform the USPTO that the four-month period for reply indicated in the Advisory Action dated May 31, 2005, may have been an error. If this is indeed the case, then the Applicant respectfully requests that the fee for a 3rd month extension of time of \$570 be charged to Deposit Account No. 50-0462, in order to ensure that the response to the Final Rejection filed on July 21, 2005, was, in fact, timely filed.

Should the USPTO agree that a 3-month extension was required for the timely filing of the July 21, 2005, response, it is proper to correct this error by charging the applicant for a third month extension of time at this stage since the Combined Notice of

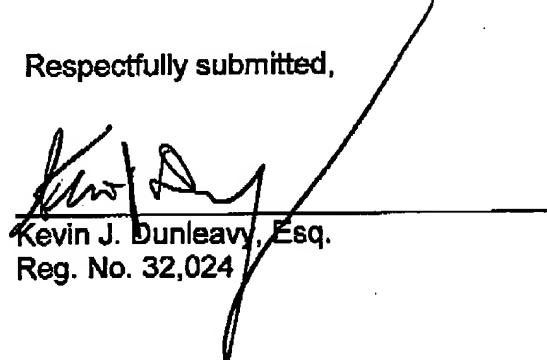
U.S. Patent App. No. 09/402,446

Appeal and Petition for Extension of Time filed on July 21, 2005, including the following request, "If an additional extension of time is required, please consider this a petition therefore and charge any additional fees which may be required to Deposit Account no. 50-0462."

Favorable consideration is respectfully requested.

Respectfully submitted,

Date: August 15, 2005


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